



MEMO ENDORSED

United States Attorney
Southern District of New York

United States Attorney's Office
50 Main Street, Suite 1100
White Plains, New York 10606

October 3, 2023

BY ECF

The Honorable Kenneth M. Karas
United States District Judge
Southern District of New York
300 Quarropas Street
White Plains, New York 10601

Re: *United States v. Raymond Rodriguez*, No. 17 Cr. 281 (KMK)

Dear Judge Karas:

The Government respectfully submits this letter to request that the Court order the United States Probation Office for the Southern District of New York ("Probation") to provide the Government with chronological and other records detailing 's supervision in connection with the Government's preparation for the upcoming violation of supervised release ("VOSR") hearing that occurred on October 2, 2023 and is continued to a date TBD.

I. Procedural Background

On or about January 30, 2018, Rodriguez pleaded guilty to possessing a firearm after a felony conviction, in violation of 18 U.S.C. § 922(g)(1). He was sentenced principally to thirty-seven months' imprisonment followed by thirty-six months' supervised release. Rodriguez's term of supervised release began on or about May 29, 2020.

On or about October 15, 2022, Rodriguez engaged in a road rage incident in which he got out of his car and punched the Victim's car's side mirror and side window, then moments later, removed a baseball bat from his car and used the baseball bat to strike the Victim's car on the driver's side window and door frame. The Victim, a fifty-eight-year-old Polish immigrant, crouched in fear in the driver's seat while Rodriguez repeatedly and violently attacked him in his car. As a result of the incident, the Victim's car sustained a broken passenger's side mirror, a cracked passenger-side window, a smashed driver-side window, and a large dent on the driver's side doorframe.

Because of his actions, Rodriguez's Probation Officer filed a VOSR Petition charging four Specifications: (1) criminal mischief in the second degree, in violation of N.Y.P.L. § 145.10, (2) criminal possession of a weapon in the third degree, in violation of N.Y.P.L. § 265.02(1), (3) menacing in the second degree, in violation of N.Y.P.L. § 120.14(1), and (4) aggravated unlicensed operation of a motor vehicle in the third degree, N.Y.V.T.L. § 0511(1)(a).

September 19, 2023

Page 2 of 2

II. Application

The Government asks that Probation release the following records to the Government:

1. Chronological records (referred to by Probation as a “chronology” or “chrono”) for Rodriguez; and
2. All records related to the specifications contained in the VOSR Petition.

The Government has reason to believe that these records contain material relevant to the violations in the VOSR Petition. Specifically, the VOSR Petition describes a voicemail message left by Rodriguez on the same day of the road rage incident. In that message, Rodriguez notified Probation of the allegations of road rage, but stated that “he did not do anything” and “denied having anything to do with anything.”

In addition, the Government intends to call Rodriguez’s Probation Officer to testify at the VOSR hearing and seeks these records to comply with its obligations under Title 18, United States Code, Section 3500 and/or pursuant to its obligations under *Brady v. Maryland*, 373 U.S. 83 (1963), and *Giglio v. United States*, 405 U.S. 150 (1972).

Accordingly, the Government requests that the Court order Probation to release the records specified above to the Government by October 10, 2023 to allow the Government sufficient time to make the necessary disclosures to the defendant prior to the VOSR hearing on a date TBD.

Granted.

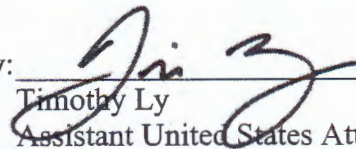
So Ordered.

10/4/23

Respectfully submitted,

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